

MESSAGE NO: 3350303 MESSAGE DATE: 12/16/2013

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: 78 FR 69817 FR CITE DATE: 11/21/2013

REFERENCE 9043201, 9051206
MESSAGE #
(s):

CASE #(s): A-549-821

EFFECTIVE DATE: 08/27/2013 COURT CASE #: 09-00034

PERIOD OF REVIEW: 08/01/2006 TO 07/31/2007

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 12/16/2013

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for polyethylene retail carrier bags from Thailand for King Pack Industrial Co., Ltd., or Master Packaging Co., Ltd., for the period 08/01/2006 through 07/31/2007 (A-549-821)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. On 05/29/2013, the Court of Appeals for the Federal Circuit issued a final decision in the case of KYD Inc. v. United States (court no. 09-00034). As a result of this decision, the injunctions to which messages 9043201 and 9051206 refer enjoining liquidation of entries which are subject to the antidumping duty order on polyethylene retail carrier bags from Thailand for the period 08/01/2006 through 07/31/2007 produced and/or exported by King Pac/King Pack Industrial Co., Ltd., or Master Packaging Co., Ltd., dissolved on 08/27/2013.

2. For all shipments of polyethylene retail carrier bags from Thailand produced, and/or exported by King Pac Industrial Co., Ltd., (see note) or Master Packaging Co., Ltd. (see note) (A-549-821-005 and A-549-821, respectively), imported by KYD, Inc., entered, or withdrawn from warehouse, for consumption during the period 08/01/2006 through 07/31/2007, assess an antidumping liability of 94.62 percent of the entered value. Master Packaging Co., Ltd. did not have its own case number during the period 08/01/2006 through 07/31/2007. Entries may have been made under A-549-821-000 or other company-specific case numbers.

NOTE: King Pac Industrial Co., Ltd., is also known as King Pac/King Pack Industrial Co., Ltd., King Pak Industrial Co., Ltd., King Pack Industrial Co., Ltd., Zippac Co., Ltd., Dpac Industrial Co., Ltd. (formerly known as Siam Zip), Zippac Co., Ltd, Zip-Pac Co., Ltd., Zip Pac Co., Ltd., or King Bag Co., Ltd. (AKA Siam Zip, and AKA Zip Pac Co., Ltd.)

NOTE: Master Packaging Co., Ltd. is also known as Master Packaging

3. For all shipments of polyethylene retail carrier bags from Thailand produced, and/or exported by King Pac Industrial Co., Ltd., (see note) or Master Packaging Co., Ltd. (see note) (A-549-821-005 and A-549-821, respectively), entered, or withdrawn from warehouse, for consumption during

the period 08/01/2006 through 07/31/2007, not covered by paragraph 2, assess an antidumping liability of 122.88 percent of the entered value. Master Packaging Co., Ltd. did not have its own case number during the period 08/01/2006 through 07/31/2007. Entries may have been made under A-549-821-000 or other company-specific case numbers.

NOTE: King Pac Industrial Co., Ltd., is also known as King Pac/King Pack Industrial Co., Ltd., King Pak Industrial Co., Ltd., King Pack Industrial Co., Ltd., Zippac Co., Ltd., Dpac Industrial Co., Ltd. (formerly known as Siam Zip), Zippac Co., Ltd, Zip-Pac Co., Ltd., Zip Pac Co., Ltd., or King Bag Co., Ltd. (AKA Siam Zip, and AKA Zip Pac Co., Ltd.)

NOTE: Master Packaging Co., Ltd. is also known as Master Packaging

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 2 and 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of polyethylene retail carrier bags from Thailand you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

5. There are no injunctions applicable to the entries covered by this instruction.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and

doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OI:TES.)

9. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party